Copyright

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INTELLECTUAL PROPERTY CONFERENCE OF STOCKHOLM, 1967

Decisions and Recommendations

The Stockholm Conference adopted the following Decisions and Recommendations:

A. Decisions

The countries members of the Berne Union for the Protection of Literary and Artistic Works,

In a Revision Conference assembled at Stockholm from June 12 to July 14, 1967,

Unanimously decide

that the maximum total amount of the yearly contributions of the member countries shall be the following:

— for 1968: 800,000 Swiss francs
— for 1969: 900,000 Swiss francs
— for 1970: 1,000,000 Swiss francs

unless new decisions are made, or enter into force, in the meantime.

* * *

The Decision on the ceiling of contributions in the Paris Union and the Recommendation on Priority Fees under the Paris Convention will be published in *Industrial Property*, the monthly periodical of BIRPI specialized in industrial property matters and published under the Paris Convention.

B. Recommendations Adopted in the Field of Copyright

I

The countries members of the Berne Union for the Protection of Literary and Artistic Works,

In a Conference assembled at Stockholm from June 12 to July 14, 1967,

Considering that certain countries have expressed a desire for the general term of protection of literary and artistic works to be extended,

that certain countries already grant a term of protection in excess of fifty years after the death of the author,

that, moreover, several countries of the Union have extended the term of protection, for reasons resulting from the war,

that negotiations have already taken place at the international level with the object of providing for an extension of the terms of protection by a special agreement,

that, in addition, bilateral agreements have already been concluded between certain countries for the reciprocal application of extensions of terms of protection, for reasons resulting from the war,

Express the wish that negotiations be pursued between the countries concerned for the conclusion of a multilateral agreement on the extension of the term of protection in countries parties to that agreement.

II

The countries members of the Berne Union for the Protection of Literary and Artistic Works,

In a Conference assembled at Stockholm from June 12 to July 14, 1967,

Having before them proposals to insert in the Berne Convention provisions under which

(i) the publisher of a literary, dramatico-musical or musical work published in a country of the Union should be under an obligation to deposit with the national library of that country, or with some other similar establishment, a facsimile of the earliest and most authentic copy of such work in the form approved by its author;

(ii) it should be a matter for the legislation of the countries of the Union to provide that, where a dramatico-musical or musical work has been made available to the public with the consent of the author thereof, the graphic copies of the said work should also be made accessible to the public without restrictions contrary to fair practice;

Consider sympathetically the spirit and purpose of these proposals, subject always to the protection of the rights of authors of such works; and

Express the wish that the International Bureau undertake a study of the above questions, in order that consideration may be given to the possibility of including provisions relating to them in a future revision of the Convention.

III

The countries members of the Berne Union for the Protection of Literary and Artistic Works,

In a Conference assembled at Stockholm from June 12 to July 14, 1967,

Recognizing the special economic and cultural needs of developing countries,

Desirous of enabling developing countries to have access to works protected by copyright for their educational requirements,

Having for this purpose adopted the Protocol Regarding Developing Countries,

Recommend the International Bureau to undertake in association with other governmental and non-governmental organizations a study of ways and means of creating financial machinery to ensure a fair and just return to authors.

NATIONAL LEGISLATION

PORTUGAL

Decree-Law No. 46 980
Copyright Code *)

Decree No. 13 725 of May 27, 1927, still constitutes the basic legislation on the important subject of copyright (also commonly referred to as intellectual property).

At the time of its publication, that decree represented a major step forward, but, with the passing of time, it has naturally become somewhat outdated and the need to replace it became apparent quite some time ago.

In the forty years that the decree has been in force, a number of developments have made its amendment necessary. On the one hand, the discovery, improvement and commercialization of techniques that can serve as a medium or means of expression for intellectual works has progressed continually and demands specific regulation. On the other hand, domestic legislation must be harmonized with the international instruments which have appeared in the meantime and which are the outcome of collaboration between States that is particularly necessary in the field of copyright. The Berne Convention, which today is still the most significant international instrument on this subject, was taken into consideration in Decree No. 13 725; the Convention has, however, undergone two revisions — at Rome in 1928, and at Brussels in 1948 — and this latter revision was ratified by Decree-Law No. 38 304 of June 16, 1951.

It was for these reasons that, by an Order dated June 6, 1946, a Commission was established to draw up a preliminary bill that would bring our domestic legislation on intellectual property up to date and harmonize it with international law. The Commission accordingly drew up a preliminary bill which was presented by the Government to the Corporate Chamber for consideration.

The matter was studied and debated at lenght and in great detail by the Corporate Chamber and ultimately, on March 24, 1953, a text was approved and transmitted to the Government.

Circumstances did not premit the transformation into law of a bill that was the outcome of careful studies made in successive stages.

Subsequent developments, however, in no way diminished the need for a reform; on the contrary, they made this need even greater. The reasons why Decree No. 13 725 was no longer up to date or adequate, and which had led to the proposed revision, became even more compelling as years went by. It thus became urgent to provide new regulations on copyright.

In its fundamental aspects, the bill approved by the Corporate Chamber still constitutes an adequate instrument for such regulations, and it would thus prevent any undesirable delays. Its implementation would not be precluded either by subsequent technical developments occurred or by changes made in international law.

Any technical developments can be covered by minor adjustments essentially concerning sectors only marginally related to copyright. Copyright touches, for example, on " neighbouring rights ", which were the subject of an International Convention signed at Rome on October 26, 1961, and which are to be covered by separate legislation.

The new instruments of international law include the Universal Copyright Convention, signed at Geneva on September 6, 1952, and ratified by Portugal in a resolution adopted by the National Assembly on May 11, 1956. This Convention, whose requirements are more limited than those of the Berne Convention, is designed to establish a *minimum* standard acceptable to all countries without prejudice to the *maximum* that the latter represents and the existing scope of which is ensured. Naturally, the new Convention does not imply that the bill approved by the Chamher must be abandoned, for the bill embodies almost all of the (minimum) requirements of the 1952 Convention. Again, a few minor adjustments are all that is required.

In this general context, the bill has been revised to the extent necessary to bring it up to date, and with a view to ensuring an optimum balance between the various interests concerned in this fundamental sector of national activity, as expressed by the Corporate Chamber, with complete accuracy and broad development. Care has also been taken to harmonize the text with that of the bill for the new Civil Code, by eliminating all elements that might be superseded when that Code enters into force.

Accordingly:

Having heard the opinion of the Corporate Chamber;

Acting pursuant to the authority deriving from Article 109 (2), first subparagraph, of the Constitution, the Government decrees and I hereby promulgate, with the force of law, the following:

Article 1. — The Copyright Code that forms an integral part of the present Decree-Law is hereby approved.

Article 2. — Decree No. 13 725 of May 27, 1927, is hereby revoked, with the exception of the provisions of Article 11 and Articles 65 to 68 and likewise the regulations with respect to copyright in images.

*) The Decree-Law and the Copyright Code were published in the *Diario do Governo* No. 99, of April 27, 1966. The Copyright Code came into force on May 2, 1966. — BIRPI translation.

Copyright Code

TITLE I

Intellectual Works and Copyright

CHAPTER I

Intellectual Works

Article 1. — (1) The term "intellectual works" shall include creations of the human intellect, whatever may be the mode or form of their expression.

(2) The existence of an intellectual work shall be independent of its disclosure or use, in whatever mode or form.

(3) Successive editions of a work, even if corrected and supplemented or revised, and even with a change in title or format, shall not be deemed to constitute works separate from the original work, nor shall reproductions of a statue or any other work of art be so deemed, despite any difference in size.

Article 2. — The following shall be considered, inter alia, to be intellectual works:

(a) literary, artistic and scientific writings;

(b) lectures, lessons, addresses, sermons and other works of the same nature;

(c) dramatic or dramatico-musical works;

(d) choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise;

(e) musical compositions with or without words;

(f) cinematographic works and works produced by a process anologous to cinematography;

(g) works of drawing, painting, architecture, sculpture, engraving and lithography;

(h) photographic works and works produced by a process analogous to photography;

(i) works of applied art;

(j) illustrations and geographical charts;

(l) plans, sketches and plastic works relative to geography, topography, architecture or science.

Article 3. — (1) For the purposes of the present Law, the following shall be protected as original works without prejudice to the rights of the authors of these works:

(a) translations, adaptations, transpositions, arrangements, instrumentations, stagings and other alterations of a literary, artistic or scientific work;

(b) collections of such works, such as selected passages, abstracts and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations;

(c) systematic or commented compilations of legal texts, ministerial decrees or other regulations by any authority, and of court decisions.

(2) Those who publish manuscripts found in libraries or archives, whether public or private, may not object to the republication of the same manuscripts by other parties, in conformity with the original text, except where such republication merely constitutes a reproduction of a lesson by whoever published it earlier.

CHAPTER II

Copyright

Section I

Subject, contents and characteristics of copyright

Article 4. — (1) The right in an intellectual work, whatever may be the mode or form of its expression, shall be termed "copyright".

(2) Within the limits of the law, the owner of a copyright shall have the power to dispose of the work and to use it, enjoy it, or authorize its use or enjoyment, in whole or in part, by third parties.

(3) Copyright shall be recognized independently of the filing or registration thereof or of any other formality, even where the work is not protected in its country of origin.

Article 5. — (1) Copyright shall include rights of an economic nature and rights of a personal nature, which are termed moral rights.

(2) Rights of an economic nature shall be transferable by all means recognized by law; those of a personal nature may be transferred only in accordance with the provisions of this Law.

Article 6. — (1) The protection afforded to an intellectual work pursuant to the preceding Article shall extend to its title, provided such title is original and cannot be confused with the title of another work of the same kind by another author which has previously been disclosed.

(2) Such protection shall not apply to the following:

(a) titles consisting in a generic designation or in the necessary and customary designation of the subject matter of works of a certain kind, for example: *Treatise on Civil Law, Physics Course, Summary of Ethics, Textbook on Commercial Law, History of Portugal, Commentary on the Civil Code*;

(b) titles consisting in the names of historical, dramatico-historical or mythological personages, for example *Inês de Castro*, or *Electra*.

(3) The titles of newspapers or any other periodicals shall be protected provided these publications are regular and continual, and the term of protection shall be for one year after the last issue appears, except in the case of annual publications where the term of protection shall be two years.

(4) The title of a work not yet published shall not be protected, except where it has been registered jointly with the work of which it forms an integral part and prior to the disclosure of any other work of the same kind designated by a like or similar title.

Article 7. — (1) Copyright in an intellectual work, being an incorporeal thing, shall be independent of the right of ownership in the material objects that serve as the instrument or vehicle for its use.

(2) Neither the manufacturer nor the acquirer of such material objects shall enjoy any of the powers included in copyright, nor shall such powers confer on their holder the power to require the manufacturer or proprietor to place those objects at his disposal for the exercise of his rights.

Section II

Attribution of copyright

Article 8. — (1) Copyright shall belong to the intellectual creator of the work.

(2) An entity that subsidizes the publication, reproduction or completion of a work, even for reasons of public interest, shall not thereby acquire any rights in the said work.

(3) The rights of the author of the work shall not be invalidated by virtue of the fact that it is produced on commission or on behalf of another party or even in the performance of functional duties or of an employment contract.

(4) Where the author of the work authorizes another party to publish it at his expense, the latter party shall acquire rights only in the edition or editions specified in the authorization received by him, it being understood that in case of doubt only one edition is covered.

(5) In the cases referred to in the two preceding paragraphs, the author may not use the work in any way prejudicial to the objective for which it was produced, or to analogous objectives if the entity that financed it is a body corporate under public law or private law but does not operate for any pecuniary gain; nor may he use it for any purpose prejudicial to the authorized edition or editions.

(6) The provisions of paragraphs (3) and (4) shall not be applied where other arrangements have been expressly agreed upon or derive from the terms or circumstances of the agreement.

Article 9. — (1) Where it is expressly agreed or where it derives from the terms or circumstances of the agreement that the copyright is the property of the entity financing or publishing the work, the author of the work may not require anything over and above the remuneration determined or the mere fact of publication.

(2) The fact that the name of the author of the work is not mentioned therein, or is not shown in the place destined for this purpose according to universal usage, shall constitute presumptive evidence that the copyright remains the property of the entity mentioned above in paragraph (1) of this Article.

Article 10. — An intellectual work created by several persons shall be termed a " work of joint authorship ", whether or not it is possible to determine the personal contribution of each person having collaborated therein, where the work has been disclosed or published in the name of the collaborators or in the name of one or more of them. A " collective work " shall be one organized on the initiative of a single or collective undertaking and disclosed or published in its name.

Article 11. — (1) In the case of a work of joint authorship, the copyright as a whole shall be owned jointly by all those who collaborate in the work and they shall be entitled to exercise it jointly, in accordance with the legislation relating to joint property. Unless expressly agreed otherwise, in writing, the indivisible contributions of each author to the work of joint authorship shall be deemed to be of equal value.

(2) Where a difference of opinion arises among the authors of a work of joint authorship in regard to the manner of exercising rights in the joint work, a majority decision shall be taken; if no majority is obtained, one of the parties concerned may bring the matter before a judge who shall decide, having heard the other parties, whether or not it is necessary to issue any writ or summons.

(3) Where, upon the death of one of the participants in a work of joint authorship, his property reverts to the State, copyright in the work as a whole shall belong only to the surviving participants or to their heirs or representatives.

(4) Where a work of joint authorship is disclosed or published in the name of one or some of the collaborators only, it shall be presumed, in the absence of any explicit indication by all the collaborators in any part of the work, that the collaborators not designated have assigned their rights to the collaborator or collaborators in whose name the work has been disclosed or published.

(5) Any person who has simply helped the author to produce the work, by revising or correcting it, bringing it up to date, supervising or directing its publication or its presentation in a theatre or cinema or by photography or by sound or visual broadcasting, shall not be deemed to be a collaborator and, accordingly, shall not participate in the copyright in respect of the work.

Article 12. — Any of the authors of a work of joint authorship may exercise individually his rights in regard to his personal contribution to the joint work, to the extent that such exercise is not prejudicial to the use of the work as such.

Article 13. — (1) Copyright in a collective work shall be attributed to the individual person or body corporate that organized and directed the creation of the work and in whose name it has been disclosed or published.

(2) However, in the event that it is possible to define, with respect to the collective work as a whole, the individual contribution of one or more of the collaborators, the provisions in regard to a work of joint authorship shall be applied with respect to rights in such individual contribution.

(3) Newspapers and other similar periodicals shall be deemed to be collective works and copyright in such works shall belong to the person or body concerned.

(4) Cinematographic productions shall not be deemed to be collective works.

Article 14. — A work embodying an original work with the consent, but without the collaboration, of its author shall be termed a " composite work ". The author of the composite work shall enjoy only the rights relating to it, without prejudice to the rights of the author of the pre-existing work in regard to the composite work.

Article 15. — (1) The authors of the words, music, or artistic composition transmitted shall be deemed to be the authors of radiophonic or televisual works.

(2) Persons or bodies corporate who intervene as performers, technical agents or organizers in the broadcasting of the work may not invoke any of the rights forming part of the copyright in the work concerned, without prejudice to the

remuneration agreed upon, especially in the form of a percentage.

(3) Works created with a view to the special conditions of their use for sound or visual broadcasting, and likewise adaptations of works originally created for another form of use, shall be deemed to be radiophonic or televisual works.

(4) The adaptation mentioned in the preceding paragraph may be carried out only by the author of the pre-existing work or by another person duly authorized to do so by the author.

Article 16. — The authors of the words or of the music fixed or recorded shall be deemed to be the authors of a phonographic work. The performers, technical agents and producers of the phonogram may not claim any copyright with respect to the phonographic work, without prejudice to the remuneration agreed upon, especially in the form of a percentage.

Article 17. — (1) The following shall be deemed to be co-authors of a cinematographic work as a work of joint authorship:

(i) the author of the scenario or of the literary, musical, or musical-literary script or synopsis;

(ii) the maker.

(2) In the case of a cinematographic adaptation of works not expressly composed for the cinema, the author of the adaptation shall also be deemed to be a co-author of the cinematographic work.

Article 18. — Persons intervening in the making of a film, other than the persons referred to in the preceding Article, shall have no rights other than those deriving from the contract for the supply of services, except for the protection that, in accordance with the general regulations, covers intellectual works of which they are authors when such works are used independently of the film.

Article 19. — The subject or scenario of a film and likewise its production and cinematographic adaptation shall be deemed to be principal works, the dialogue, words and music being collateral works. The creation of such collateral works shall depend on the written authorization of the authors of the principal works, to whom both the choice of the authors of collateral works and the respective works produced by them shall be submitted for approval.

Section III

Indication of authorship - Literary or artistic name

Article 20. — In the absence of proof to the contrary, the person or body corporate whose name is indicated on the work as being that of the author in accordance with universal usage, or whose name is announced as being that of the author in the performance, recitation, or other manner of use of the work, shall be deemed to be the author of an intellectual work and may exercise all the rights inherent in that capacity.

Article 21. — (1) For the indication of authorship, the author may use his own name, in full or abridged, or his initials, a pseudonym or any other conventional symbol; these forms of designating the author shall be considered to represent the author's own name, provided they are generally known to be the designation of one particular author.

(2) The name or pseudonym adopted by the author for this purpose shall be termed the literary or artistic name, in the same way as any other designation of the author, and must be absolutely distinct from any that have previously been used by another author, in relation to works of the same kind, whether registered as such or not.

Article 22. — (1) If the author's own name, pseudonym or other designation is identical with that of another author who has already used it for his works, the latter may forbid him to continue to use it and require him to change it to, or replace it by, another name in order to avoid any confusion on the part of the public.

(2) If the author has a family relationship with another author already known by a similar name, a distinction may be made by adding to the name an indication of such relationship.

(3) The use by any other author of names or pseudonym famous in the history of literature, the arts or sciences shall be prohibited.

Article 23. — (1) Where a literary or artistic name or any other form of designation of authorship is used in a manner contrary to the provisions of the preceding Articles, the parties concerned shall have the right to claim, in addition to cessation of such use, compensation on account of damages, without prejudice to any criminal proceedings that may prove necessary.

(2) The author may not, on the other hand, be prevented from using his own name for all matters not connected with the intellectual work.

Article 24. — (1) Where the author presents his work under a pseudonym or any other designation that does not reveal his identity, or where he publishes it anonymously, it shall be the duty of the publisher, whose name appears on the work in that capacity, to protect and enforce the author's rights in respect of third parties and to consider himself the author's representative in the absence of proof to the contrary.

(2) The author may, at any time, reveal his identitiy and establish a claim to authorship of the work by indicating his own name. His heirs or representatives shall likewise be entitled to do so. Where the author or his heirs or representatives avail themselves of this possibility, the publisher may claim only the rights accruing to him under the publishing contract.

Section IV

Term of copyright

Article 25. — The term of protection granted to the author by this Law, with respect to the economic utilization of literary, artistic or scientific works, shall be the life of the author and fifty years after his death.

Article 26. — Where the legislation of a foreign country grants a term of protection different from that specified in

the preceding Article, the term of protection claimed in Portugal with respect to any work having its origin in such country shall be the term established pursuant to the above-mentioned Article provided it does not exceed the term fixed by law in the country of origin of the work.

Article 27. — (1) In the case of published works, the country of origin shall be considered the country of first publication, without prejudice to the provisions of Article IV, paragraph 5 of the Universal Copyright Convention.

(2) For the purposes of the present Article, the concept of "published work" shall be that set forth in Article 4 (4) of the Berne Convention.

Article 28. — (1) In the case of works published simultaneously in several countries that grant different terms of copyright, and in the event that no international treaty or agreement is applicable, the country granting the shortest term of protection shall be considered the country of origin.

(2) A work which has been published in two or more countries within thirty days of its first publication shall be regarded as having been published simultaneously in several countries.

Article 29. — In the case of unpublished works, the country to which the author belongs shall be considered the country of origin. However, in the case of works of architecture or of graphic or plastic works forming part of a building, the country where these works have been built or incorporated in a building shall be considered the country of origin.

Article 30. — The term of copyright in a work of joint authorship as such shall be the life of its authors and fifty years after the death of the last surviving collaborator.

Article 31. — (1) The term of copyright for the economic use of a collective work, considered in its entirety, shall be fifty years after the first publication or disclosure of the work, except as otherwise provided in Article 36 with respect to periodicals such as newspapers and magazines.

(2) Where, however, the collective work is the property of a single manager, the term of copyright shall be the life of the author and fifty years after his death. In the event of a transfer by a deed between living parties or of a transfer by executive proceedings, the term of fifty years shall be reckoned from the date of the transfer.

Article 32. — The term of copyright attributed individually to each collaborator in a work of joint authorship or in a collective work with respect to his personal contributions shall be that established in Article 25.

Article 33. — The term of protection granted in respect of posthumous works to the heirs and other successors of the author shall be fifty years after the author's death.

Article 34. — In the case of anonymous, cryptonimous and pseudonymous works, the term of protection shall be fifty years from the date of their disclosure or publication; however, where the pseudonym or initials of the author's name leave no doubt as to his identity, or where the author reveals his identity in the course of those fifty years, the term of protection shall be that provided in respect of works disclosed or published under the author's own name.

Article 35. — The terms of protection following the author's death and those provided for in Articles 31, 33 and 34 shall run only as from the first day of January of the year following the death or the facts referred to in those Articles.

Article 36. — (1) If the various parts or volumes of a particular work have been published separately and at different times, the terms of protection referred to in Articles 31 and 34, reckoned according to the provisions of the preceding Article, shall be separate for each of the parts or volumes comprising the work.

(2) The same principle shall apply to the individual issues or instalments of collective works published periodically, such as newspapers or magazines.

Article 37. — (1) A work shall be said to have fallen into the public domain when, for any reason whatsoever, the exclusive rights that the law affords, in general, to the author of an intellectual work or to his successors in whatever capacity have expired.

(2) The falling into the public domain, as a result of the expiry of the terms established in Articles 25 *et seq.* of the present Law, of works with respect to which the owner of the copyright enjoyed, at the date of the entry into force of this Law, the perpetuity established by Decree No. 13 725 of June 3, 1927, shall be determined only after the expiry of twenty-five years from the publication of the present Code.

Section V

Transfer of copyright and authorization to use the work

Article 38. — The transfer of copyright, in whole or in part, may be effected either by the author of the work himself or by his successors, whether sole or individual, personally or through the intermediary of a duly authorized representative.

Article 39. — Total transfer shall comprise all the rights included in copyright with the exception of those of a purely personal nature, such as the right to amend the work, in whole or in part, and a small number of others expressly excluded by law. Partial transfer shall be limited to the modes and forms of use designated in the relevant deed of transfer, whether such designation is in general terms or specifies the rights transferred.

Article 40. — (1) A simple authorization granted to a third party by the author or other holder of the right concerned, for the use of the intellectual work in any way, shall not include the total or partial transfer of copyright.

(2) Such authorization shall be granted only in writing, on pain of invalidity. Unless expressly agreed otherwise, the authorization shall not include the assignment of exclusive rights and shall be considered granted in return for payment.

Article 41. — Where the author has made a total or partial revision of his work and has disclosed or authorized the

disclosure of a *ne varietur* version, his successors may not reproduce the earlier versions.

Article 42. — (1) Where the estate of the owner of copyright in any intellectual work has been declared in abeyance by the State, the copyright shall be excluded from the liquidation prescribed by Article 1133, paragraph 2, of the Code of Civil Procedure, but the principle established in paragraph 3 of that Article shall nevertheless remain applicable.

(2) Where a period of ten years has elapsed since the date on which the estate was declared in abeyance by the State without the latter having directly used the intellectual work or having authorized its use by a third party, the work shall fall into the public domain.

Article 43. — In all matrimonial systems of communal estate, the economic rights of the author-spouse in his intellectual works shall be considered his separate property, in the absence of any express stipulation to the contrary in the contract signed prior to the marriage; only the income from the use of such works shall be communal.

Article 44. — (1) Contracts providing for the total transfer of copyright in one or more intellectual works must be established by a deed executed with witnesses, on pain of invalidity.

(2) With respect to contracts under which the author or his successors, whether sole or individual, transfer only a part of the rights included in the copyright or authorize a third party to use the work in any manner, it shall suffice to show written proof thereof. The terms of the contract must clearly specify which rights are the subject of transfer or which mode or form of use is authorized, and likewise the conditions for the exercise of those rights or for the use authorized, together with the date and place of signature of the contract and, if the transfer is subject to payment, the corresponding price or remuneration.

Article 45. — (1) In contracts providing for the transfer of copyright and those authorizing the use of the work in which the purpose of the contract is indicated in a general way, the acquirer may exercise the rights acquired or use the work only in accordance with the terms and provisions of the legislation in force at the time the contract is concluded, unless the said contract contains a clause expressly stating that the acquirer reserves the right to use the work in any new form, unforeseeable at the time the contract is concluded.

(2) This provision shall be immediately applicable to deeds of transfer or deeds of authorization already executed at the date of the entry into force of the present Law.

Article 46. — (1) The transfer of copyright with respect to future works may cover only works produced by the author over a period of ten years. Where an existing contract covers copyright in works to be produced by the author over a longer period, its effects shall be limited to the works actually produced over ten years, and the remuneration provided for shall be reduced proportionately.

(2) Any contract providing for the transfer of copyright in all the works that the author may produce in the future, without any limitation as to time, shall be null and void.

Article 47. — Copyright may be the subject of a usufruct, whether legal or voluntary. Unless expressly specified otherwise, the usufructuary may use the work in which he possesses usufruct in a manner implying a transformation or modification of such work only if he has been authorized to do so by the owner of the copyright.

Article 48. — (1) The author's economic rights in all or part of his intellectual works may be pledged as surety for any debt or liability on the part of either the holder of such rights or of a third party. Such pledge may be made only by means of an authenticated or legalized deed.

(2) In the event of the pledge's being sold, the transfer to be effected under the procedure for sale and adjudication of the pledge shall relate specifically to the right or rights offered by the debtor as surety, with respect to the work or works indicated. The pledge established under this Article shall not confer on the creditor any rights in existing copies of the work to which the pledged right relates.

Article 49. — The author's economic rights in all or part of such works may be the subject of an attachment. The principle set forth in Article 48 in regard to sale of a pledge shall be applied with respect to such adjudication.

Article 50. — (1) The following shall be exempt from attachment: unpublished manuscripts and incomplete sketches, designs, paintings and sculptures, whether signed or not; however, the author may offer them for attachment in accordance with the general provisions.

(2) But where, by unequivocal acts, the author has revealed his intention to disclose and publish the works mentioned in this Article, the creditor may obtain the attachment or seizure of the copyright in such works.

Article 51. — The attachment and adjudication of copyright in a particular work shall not deprive the author, in the event of publication decided upon by the adjudicator, of the right to correct the work and read and check the proofs, nor, in general, shall his moral rights in the work be affected. However, in the event that the author retains the proofs for a period of more than thirty days without due cause, the printing may proceed without the author's revision of the proofs.

Article 52. — (1) Where the person to whom copyright in a certain work already published has been transferred declines to republish the work or authorize its republishing after the earlier editions have been exhausted, any interested party may apply to the court for authorization to republish the work.

(2) Such authorization shall be granted subject to proof that it would be in the public interest to republish the work, unless there are grounds for refusal because of an adequate moral reason or material difficulty.

(3) The owner of the copyright shall not thereby be deprived of his right to make or authorize future editions.

(4) Where copies of the work are exhausted anew, any interested party may, at any time, obtain legal authorization to make a new edition.

Article 53. — (1) The procedure referred to in the preceding Article shall, to the fullest extent possible, be in conformity with the provisions of Articles 1425 to 1427 of the Code of Civil Procedure.

(2) An appeal against the decision may be entered with the Court of Appeals, which shall give a final judgment; once an appeal has been entered, there shall be a stay of execution.

(3) Where the authorization has been granted but the parties fail to agree on the amount to be paid to the owner of the copyright by way of royalties, such amount shall be determined by the court upon request by either of the parties concerned.

(4) The court shall determine such amount in such a way as to ensure that the successful party receives compensation to cover the legal costs incurred by him.

Article 54. — Copyright may not be acquired by prescription.

Section VI

Moral rights

Article 55. — Independently of the author's economic rights in his intellectual work, and even after the transfer of the said rights, the author shall have the right, during his lifetime, to claim authorship of his work and to ensure its integrity by objecting to any distortion, mutilation or other modification thereof, or any other action in relation to the said work which would be prejudicial to his honour or reputation.

Article 56. — In the case of a work executed according to a plan of which an architect is the author, the plan having been approved by the proprietor of the work, if the proprietor introduces any alterations thereto during the execution or after completion of the work without the author of the plan having given his consent, the author may repudiate authorship of the altered work and it shall be prohibited for the proprietor thereafter to invoke, for his personal profit, the name of the author of the original plan.

Article 57. — (1) The right referred to in Article 55 shall be inalienable and imprescriptible, provided that after the death of the author and until such time as the work falls into the public domain such right shall be exercised by his heirs and representatives.

(2) It shall be the responsibility of the State, acting through the appropriate cultural institutions, to protect the integrity and authenticity of a work that has fallen into the public domain.

Section VII

Right of withdrawal and right of pursuit

Article 58. — (1) The author of an intellectual work already disclosed in any form may, at any time, withdraw it from circulation and terminate its use, by stopping publication, by suspending the authorization for the performance of the work or by objecting to any other form of use of the work, subject to compensation to the parties concerned in respect of damage caused.

(2) In the event of disagreement as to the existence of damage or the amount thereof, the matter shall be decided upon by the competent judge, the amount of financial compensation being determined by arbitration.

Article 59. — (1) Any author who has transferred an original work of art, an original manuscript or the copyright in an intellectual work shall be entitled to participate in any increase in value occurring upon any subsequent transfer where the vendor benefits by a substantial increment in the price. This right shall be inviolable and inalienable.

(2) The participation shall consist in a percentage of the price increment obtained, equivalent to 10 per cent on sales in an amount of not more than 10,000 escudos, and 20 per cent on sales involving a larger amount.

(3) This Article shall not be applicable where the increment in price is solely the result of a devaluation of currency.

Article 60. — (1) Where the author who, in return for payment, has transferred the right of use with respect to a particular intellectual work suffers serious injury as a result of an inaccurate estimate of the probable profits from use of such work, by virtue of the fact that his own remuneration is greatly disproportionate to the benefits gained by the acquirer of such right, he may claim additional compensation from the acquirer, in an amount to be determined by a judge on the basis of an expert evaluation of the results of use of the work and the profits likely to accrue from subsequent use thereof.

(2) Such compensation may be claimed only where the transfer was made in return for a fixed sum, payable in one amount or in instalments, or where the author's remuneration takes the form of participation in the profits accruing from use and no amount has been specified in accordance with current usage in transactions of this kind.

(3) In evaluating the damage invoked by the author, account shall be taken of the normal results of use of the author's works as a whole. The judge may at any time order whatever measures he considers appropriate to be taken for an equitable decision.

TITLE II

Use of Intellectual Works

CHAPTER I

General Provisions

Article 61. — (1) The exclusive right to enjoy and use an intellectual work, as recognized in Article 4, shall include the right to disclose the work and to use it commercially by any direct or indirect means, in accordance with the terms and provisions of the present Law.

(2) From the economic point of view, the guarantee of the pecuniary advantages resulting from such use shall constitute the fundamental objective of the legal protection deriving from the recognition of copyright.

Article 62. — (1) An intellectual work may, according to its nature and kind, be used by all means currently known or which may be known in the future. To this end, tbe author shall, inter alia, enjoy the exclusive right to carry out or authorize tbe following:

1. publication of the work, whether by printing or by any other method of graphic reproduction;
2. performance, recitation or exhibition of the work in public;
3. reproduction, adaptation, performance and distribution by cinematograpby;
4. recording or fixing of a work onto an apparatus of any kind for the purpose of its mechanical, electrical or chemical reproduction and the public performance, transmission or retransmission thereof by means of such apparatus;
5. diffusion by photography, telephotography, television, radio or any other means for tbe reproduction of signs, sounds or images, the communication to the public by loudspeaker or similar instruments and, in general, the communication to the public, whether by wire or not, of tbe work diffused wbere such communication is made by an organization other than the original one;
6. indirect appropriation in any form;
7. translation and adaptation into a language other than that in which tbe original work was created;
8. adaptation, alteration, arrangement, instrumentation, amplification or simple utilization in a different work;
9. total or partial reproduction by any means.

(2) The various forms of use of an intellectual work shall be independent of one other and tbe exercise of one of them by the author or by the person authorized to do so shall not prejudice the exercise of the others by tbe author or by a third party.

Article 63. — It shall be permissible, in accordance with established practice, for public entities, libraries, archives and scientific institutions to reproduce excerpts from works tbat have not yet fallen into the public domain, for their own use or for private use by the persons so requesting. The latter must, bowever, be expressly advised that no commercial use may be made of such reproductions without tbe consent of the autbors.

Article 64. — (1) The owner of the copyright sball have the exclusive right to select freely the methods and conditions for the use of an intellectual work.

(2) In the event of death or of an absence for a period of more than twenty years, or where the absent person reaches the age of 95, the recognized or presumptive heirs of the author shall bave tbe right to decide on the use of any of his works not yet disclosed, unless the author has in any way forbidden their disclosure or use.

(3) If it has been decided to use the works, tbe heirs may do so directly or may authorize a third party to do so, and may or may not indicate the procedures and conditions for use. In the event of any differences between the heirs with respect to the disclosure or manner of use of the work, tbe opinion of the majority shall prevail; in the event that opinion is evenly divided, tbe judge of the locality in which the estate is probated shall make a decision upon request by one of the parties concerned.

Article 65. — (1) The author's heirs or representatives who use or authorize the use, in any mode or form, of a posthumous work shall have the same rights with respect to such work as would have belonged to them if, in his lifetime, the deceased author had used the work or authorized its use.

(2) These rights shall lapse if no use has been made of the work within fifteen years of the author's death. An exception to this provision may be granted where disclosure has been delayed because of serious moral considerations which shall be the subject of a decision by the courts in the event of any dispute.

Article 66. — The powers relating to the use of copyright may be exercised personally by the owner thereof or through his legal or appointed representatives.

Article 67. — (1) National or foreign associations constituted for the exercise and protection of the rights and interests of authors shall carry out that function in the capacity of the authors' agents, having such capacity by the mere fact that an author is a member or is registered, under any name, as a beneficiary of the services provided by such associations.

(2) Membership or registration as a beneficiary as referred to in this Article must be duly recorded in a public register.

Article 68. — Tbe legal representatives of minors and persons under a judicial disability may not use or authorize the use of their intellectual works unless a contract exists that was entered into prior to the lunacy or judicial disability, or unless prior consent has been given by a minor of not less than 18 years of age or by a person under a judicial disability not deprived of reason.

Article 69. — (1) Minors and persons under a judicial disability shall be represented, with respect to the exercise of copyright, in matters of justice or in other matters, by their parents or legal guardians.

(2) Bankrupt persons and those under a judicial disability for extravagance may use their works without any authorization being required, except with respect to economic use; they may, however, freely dispose of the material proceeds from such use to the extent necessary for the subsistence of the author and his dependents.

Article 70. — (1) A married woman may publish and use her works in any form, without her husband's authorization.

(2) If, however, the publication or use of a work by one spouse is likely to cause a scandal that would affect the other spouse, the latter may object to the publication or use of the work. If publication or use has already taken place, the spouse concerned may take the necessary measures to put an end to the scandal, for example by requesting the seizure of all copies published and the suspension of the performance or any other mode or form of use of the work.

CHAPTER II

Publication of Works; Publishing Contracts

Article 71. — (1) The author of any literary, artistic or scientific work may publish it directly for his own account, by printing or by any other graphic process designed to communicate copies of the work to the public, by producing such copies or causing them to be produced. He may also authorize a third party to undertake such publication for his own account, subject to the conditions agreed upon between them.

(2) Any basic or fundamental work in the Portuguese language must have prior authorization for publication from the Ministry of National Education.

Article 72. — (1) The contract whereby the owner of copyright in a work grants to a third party, subject to the conditions set forth therein, the authorization to produce for his own account a specific number of copies of the work, the third party being responsible for their distribution and sale, shall be known as the publishing contract.

(2) It shall not be presumed that the publishing contract is free of charge; and accordingly the publisher may not claim any advantages which, with respect to the scope or duration of the authorization granted under the contract, derive from copyright legislation published after the date of entry into force of the contract.

Article 73. — The publishing contract shall not imply any permanent or temporary transfer to the publisher of the author's right to publish the work, but shall solely imply the granting of permission to reproduce the work in accordance with the specific terms of the contract.

Article 74. — The authorization for publication shall not confer on the publisher the right to translate the work, to transform it or to adapt it for other forms of use, nor shall it confer on him any possibilities other than those specified in the contract or which result from the nature thereof.

Article 75. — (1) Any agreement whereby the owner of copyright in a work charges a third party to produce for the latter's account a specific number of copies of the work and to arrange for their distribution and sale shall not be considered a publishing contract, where the parties agree to share between them the profits or losses resulting from such use.

(2) Over and above the specific clauses included therein, the contract shall be governed by current commercial usage and, in addition, by the regulations with respect to joint accounts.

Article 76. — (1) The following shall likewise not be considered publishing contracts:

(a) any agreement whereby a person undertakes to produce, against payment of a certain amount by the owner of copyright in a work and subject to the conditions stipulated, a number of copies of the work and to arrange for their distribution and sale for the account of the owner of the copyright;

(b) any agreement whereby the owner of copyright in a work, when ordering the production for his own account of a number of copies of the work, charges a third party only with the task of storing, distributing and selling those copies, subject to payment of a specified commission or any other form of remuneration;

(c) any agreement stipulating only the fixed or proportional remuneration of the person who undertakes to reproduce or to distribute and sell copies of the work, all risks being borne by the owner of the copyright.

(2) These contracts shall be regulated by the terms contained therein, by the legal provisions relating to contracts for the supply of services, and by current commercial usage.

Article 77. — (1) The publishing contract shall be valid only if drawn up in writing; the number of copies to be included in the edition must always be specified in the contract.

(2) Where the publisher produces a smaller number of copies than that agreed, he may be required to complete the number, failing which the author may arrange with a third party, at the expense of the publisher, for production of the missing number of copies, without prejudice to his right to claim compensation for damages.

(3) Where the publisher produces a greater number of copies than that agreed, the author may seize the extra copies and appropriate them, in which case the publisher shall forfeit the cost thereof.

(4) The author may verify by any means the number of copies in the edition, and shall in particular be entitled to require the auditing of the accounts of the publisher or of the agent producing the copies where such agent does not belong to the publisher.

Article 78. — (1) The author's remuneration shall be that specifically stipulated in the publishing contract and may consist either in a fixed amount or price, payable in respect of the edition as a whole, or in an amount proportionate to the proceeds of publication, in the form of a percentage on the price of each copy, or in the assigning of a certain number of copies, or in remuneration established on any other basis, depending on the nature of the work, or again in any combination of two or more of these forms of remuneration.

(2) In the absence of any stipulation with respect to the author's remuneration, the author shall be entitled to receive one third of the selling price of each copy.

Article 79. — Unless specifically agreed otherwise, the publishing price shall be payable forthwith upon completion of publication, except where the form of remuneration adopted makes payment dependent on subsequent circumstances, in particular on the total or partial disposal of the copies produced.

Article 80. — (1) Where the remuneration due to the author depends on the results of sales or where payment thereof is conditional on sales, the publisher shall be obliged to furnish a statement of accounts to the author every six months and to grant him access to whatever elements of his accounts are necessary for a complete audit.

(2) Where the publisher does not carry out this obligation of his own accord, the accounts may be demanded by judicial proceedings and an audit may be ordered, upon simple request by the author showing proof of the need therefor.

Article 81. — Unless expressly agreed otherwise, the publishing contract shall prohibit the author from issuing on his own account or from arranging with another publisher for the issue of a new edition of the same work and in the same language, whether in the country or abroad, until such time as the preceding edition is exhausted or until the time limit stipulated for that purpose in the contract has expired.

Article 82. — The owner of the copyright shall be obliged to secure to the publisher the exercise of the right deriving from the publishing contract against any hindrance or disturbance arising from the right of a third party with respect to the work concerned, but not against hindrances or disturbances simply caused by a third party.

Article 83. — (1) The author shall provide the publisher with the necessary means for accomplishing the contract. In particular, he shall, within the agreed time limits, transmit to him the original of the work to be published in such conditions as to enable him to reproduce it.

(2) Unless expressly agreed otherwise, such original shall be the property of the author who shall have the right to require its restitution. On the absence of an express stipulation, such restitution shall take place as and when reproduction is made and must be completed within two months following the completion of the reproduction.

Article 84. — (1) It shall be the obligation of the publisher to carry out, or cause to be carried out, the reproduction of the work in the form and subject to the conditions stipulated in the contract. He may not make any modifications in the work to be published without the express consent of the author, in writing; in the event of any infringement of this provision, the author shall have the right to have the edition seized and to claim compensation for damages.

(2) On the other hand, the modernizing of the spelling in the text, in accordance with the official rules in force at the time the work is republished, shall not be considered a modification of the work.

Article 85. — The principle set forth in the preceding Article shall not prevent the publisher of a dictionary, encyclopaedia or other didactic work, after the death of the author and with the consent of his heirs, from bringing such a work up to date or supplementing it by means of annotations and minor alterations in the text. Nor shall the aforementioned principle impair the publisher's right to request the author or his heirs and representatives to eliminate any passages or pictures contrary to public morality and decency for the disclosure of which he might be held responsible.

Article 86. — Unless expressly agreed otherwise the publisher shall indicate on each copy of the work the name, pseudonym or other sign designating the author.

Article 87. — (1) Unless expressly agreed otherwise in the contract, the publisher shall be required to commence reproduction of the literary, scientific or artistic work within six months of the handing over of the original by the author and to proceed with the reproduction in the normal way, failing which he shall be liable to a claim for damages.

(2) Where, after having commenced the reproduction, the publisher prolongs completion of the work without due cause, the author may give him notice, through judicial channels, to complete the work within a specified period.

(3) Where the work deals with a subject of great topical interest or is of such a nature that any delay in publication would detract from its literary or scientific interest or its timeliness, it shall be understood that the publisher shall be required to commence the type-setting immediately and to complete it within a period considered reasonable having regard to the length and the characteristics of the work.

(4) Where, without due cause, the author delays handing over the original in such a way as to jeopardize the publisher's expectations, the latter may terminate the contract, without prejudice to any claim for compensation of damages.

Article 88. — The publisher shall be required to devote all necessary attention to the work of publication so that the reproduction will be carried out in the conditions agreed, and to dispose of the copies produced with the diligence customary in the trade.

Article 89. — (1) The price of each copy shall initially be determined by the publisher, after prior consultation with the author. Any adjustments in price shall be subject to agreement between the author and the publisher, unless they are the result of a devaluation of currency or of a clearance sale, in accordance with the provisions of the following Article.

(2) It shall not be compulsory to indicate the selling price either in the publishing contract or on the copies of the work.

Article 90. — Where the work cannot be sold within ten years of the date of publication, at the agreed price, the publisher may sell the existing copies at clearance prices or may destroy them for sale by weight. He must, however, first consult the author in order to ascertain whether the latter wishes to acquire the copies at a price determined on the basis of the proceeds from clearance sale or from destruction.

Article 91. — The publishing contract may cover one or more works, whether already existing or to be created in the future, and whether already published or not.

Article 92. — (1) The publisher shall be required to furnish the author with at least two sets of galley proofs and two sets of page proofs of the entire composition, including the cover, and the author for his part shall be required to return them, after revision or correction thereof, without exceeding the period normally required for such purpose.

(2) Printing may not take place unless the author authorizes it in the customary manner.

Article 93. — Where the publisher or the author defers furnishing or returning the proofs until after the period considered normal, having regard to the circumstances of the particular case, either of them may notify the other, by means of a simple registered letter with receipt of delivery, that he should furnish or return, as the case may be, the proofs within a certain period of time. Such notification shall always be necessary as a basis for any claim to compensation for damages in respect of a delay in publication.

Article 94. — (1) The cost of any simple corrections of typographical errors shall be borne by the publisher, and likewise the cost of any corrections constituting minor amendments of the original text furnished to the publisher.

(2) However, if in the course of type-setting the author introduces in the text any amendments or additions that involve an appreciable increase in the publisher's costs, the publisher may charge to the author any cost increase in excess of a 10 per cent margin, unless previously agreed otherwise.

Article 95. — (1) Any author who enters into contracts with one or more publishers for the separate publication of each of his works may enter into a contract for the publication of a complete edition of his works. The contract for the complete edition shall not authorize the publisher to publish separately any of the works included in the complete edition nor shall it affect the author's right to enter into a contract for the separate publication of any of those works.

(2) However, where the author makes use of any of these rights, he must proceed in such a way that the advantages specifically secured to the publisher under earlier contracts are not affected by the new contract.

Article 96. — (1) Any publisher who undertakes to produce successive editions of a particular work must, on pain of becoming liable for damages, issue them continuously, so that copies of the published work are never lacking in the market. An exception may be made in the event of circumstances beyond the publisher's control, but these shall not include any shortage of funds to cover the cost of the new edition or any increase in the cost thereof.

(2) Where the author has re-arranged, modernized or substantiated the subject matter of any work or works covered by the contract, he shall be entitled to just remuneration granted by the publisher.

Article 97. — Any prints, engravings, blocks, plates or other similar materials produced specially for the work published shall be presumed to be the publisher's property; however, the author shall retain the right to acquire them upon repayment to the publisher of any expenditure incurred by the latter on this account.

Article 98. — Where the publishing contract refers to works not yet created, the following principles shall be observed:

(a) Any contract covering all the future works of the author, without specifying any time limit for their production, shall be null and void. Where the time limit specified is greater than ten years, the effects of the publishing contract shall be limited to such works as are produced by the author during the ten-year period, and the remuneration stipulated shall be reduced proportionately.

(b) Where the contract covers a future work without specifying the time limit for it to be handed over to the publisher, the latter may request the judicial authorities to set a time limit for such handing over. The time limit specified in the contract may be extended by the judge at the request of the author if due cause is shown.

(c) Where the work covered by the contract is to be published in volumes or instalments as and when written, the number and length of the volumes or instalments, in approximate terms, must be specified in the contract; a variation in length by not more than 10 per cent shall be permissible. Where the author exceeds the proportions agreed upon, without prior consent, he shall not be entitled to any supplementary remuneration and the publisher may refuse to publish the additional volumes, instalments or pages; the author shall, however, retain the right to cancel the contract subject to compensation for the publisher in respect of the expenditure incurred and the proceeds expected from publication. Where the sale of part of the published work has already commenced, the results already obtained shall be used as the basis for calculating the amount of compensation.

(d) In the event of the author's death or inability to complete the work after having furnished a substantial part that could be published separately, the publisher may, as he chooses, consider the contract cancelled or fulfilled with respect to the part completed, paying a proportionate remuneration to the author or to his heirs and representatives, except where the author or his heirs and representatives have expressed or express the desire that the work not be published other than complete. Should the contract be cancelled at the request of the author or his heirs or representatives, the incomplete work may not be published by a third party, on pain of liability for damages.

Article 99. — (1) The publisher may not, without the author's consent, assign or transfer to a third party, whether free of charge or in return for payment, his rights deriving from the publishing contract, except where such transfer results from the assignment of his commercial activity.

(2) In such case, the author shall be entitled to compensation in respect of the moral or material damage that he might suffer as a result of the transaction.

(3) The publisher's participation in any commercial company, with the rights deriving from the publishing contract, shall be deemed to constitute assignment of those rights, within the meaning of this Article, and shall therefore be subject to the author's consent.

(4) The awarding of the publishing firm to one of the partners as a result of the judicial or extra-judicial liquidation thereof shall not be deemed to constitute the assignment of the rights deriving from the publishing contract.

Article 100. — The publishing contract shall lapse:

1. in the event of the publisher's bankruptcy, unless within six months of the declaration of bankruptcy it is decided, in accordance with the provisions of Article 1197 of the Code of Civil Procedure, to honour the contracts entered into by the bankrupt or unless, within the same period, the publishing house as a whole has been assigned by due process;
2. in the event of the publisher's death, where the firm does not carry on his activities with one or more of his heirs;
3. where, having been duly notified by the author to complete publication, the publisher does not do so within a reasonable period determined by the judge for that purpose;
4. in the event of the author's death or his inability to complete the work, as stipulated in Article 98*(d)* and in the other cases already expressly provided for in this Law.

Article 101. — Where, in connection with the realization of assets in the publisher's bankruptcy proceedings, it is necessary to sell at low prices, in one lot or in substantial lots, copies of the published work that were in the publisher's stocks, the official administering the confiscated property shall notify the author thereof, not less than fifteen days in advance of the sale, in order to enable him to take the necessary measures to protect his economic and moral interests. In addition, the author shall have prior option to purchase, at the best price obtained, copies of his work sold by auction.

CHAPTER III

Performance and Recitation

Section I

Stage performance

Article 102. — For the purposes of this Law, stage performance shall be the fact of presenting, before an audience, a dramatic or dramatico-musical work, a choreographic work, an entertainment in dumb show, or any other similar work, by means of dramatic fiction, singing, dancing, music or other appropriate procedures.

Article 103. — (1) The use of an intellectual work for performance shall always be subject to the author's consent, whether the performance is public or private, whether an entrance fee is charged or not, and whether the performance is for pecuniary gain or not.

(2) Where the work has already been disclosed in any mode or form by the author, performance may take place without his express consent provided it is not for any pecuniary gain and takes place in a private home.

Article 104. — The performance contract under which the author or his sole or individual heirs authorize an individual person or body corporate to arrange for the performance of the work in accordance with the terms set forth therein, such individual person or body corporate in turn undertaking to ensure that the work is performed in accordance with the terms stipulated, must be drawn up in writing and shall be governed by the special provisions of this Section.

Article 105. — (1) Unless otherwise agreed, the performance contract shall not grant to the contracting party any exclusive right of direct communication of the work by the medium concerned, and the contracting party may not carry out the performance in any mode or form other than that expressly specified in the contract.

(2) The granting of the right to perform certain works shall not be presumed to be free of charge and may be for a specified or unspecified period of time, for a specified or unspecified number of performances, for one or more localities, for one or more theatres or premises suitable for the performance, or may be limited and defined in any other manner.

(3) The granting to amateurs of the right of performance shall be presumed to be free of charge.

(4) The performance contract must specify, together with the remuneration due to the author or authors, the respective conditions of payment.

Article 106. — Where a performance is dependent on permission or authorization from the police, it shall be necessary, in order to obtain such permission or authorization, to present to the competent authority documentary proof that the author of the work has consented to the performance.

Article 107. — (1) Where an intellectual work is performed without the consent of the author or of his sole or individual heirs, the latter shall be entitled to cause the performance to be discontinued immediately and to claim compensation for damages, without prejudice to any criminal proceedings that the usurpation might involve. The same rules shall apply in cases where the performance takes place with the author's prior consent but goes beyond the terms of the agreement.

(2) For the calculation of the amount of compensation, account shall be taken of the amount of the gross receipts resulting from the performance or performances that have taken place.

Article 108. — (1) The author's remuneration for granting the right to perform the work may consist in a fixed lump sum, in a percentage of the receipts from performances, in a certain amount in respect of each performance, or may be determined in any other manner clearly established in the contract.

(2) Payment of the author's remuneration must be made in accordance with the terms and time limits stipulated in the contract; unless otherwise agreed, where his remuneration is determined on the basis of the receipts from each performance, the respective payment shall be due on the day following the day of the performance.

(3) In such case, the author shall have the right to verify the receipts from performances himself, or to have them verified by a representative designated for that purpose.

(4) Should the impresario falsify the accounts furnished to the author, or resort to any other fraudulent methods in order to conceal from the author the true results of his activity, he shall be liable to the penalties provided for in Articles 219 and 451 of the Penal Code, and the author shall have the right to cancel the contract.

Article 109. — Unless expressly stipulated otherwise, the author shall have the following rights under the performance contract:

1. with or without the other party's consent, to introduce into the work any modifications he may consider necessary, provided they do not alter its general structure or detract from the dramatic or theatrical interest of the work;
2. to be consulted in regard to the casting, in the case of the performance of a theatrical work of any kind;
3. to attend the rehearsals and give all necessary indications regarding the interpretation;
4. to be consulted in regard to the selection of persons to carry out the artistic aspect of the work;
5. to object to the performance where he considers that it has not been adequately prepared and that, from that point of view, the conditions essential to success are not ensured. Should the author make undue use of this provision and postpone the performance without due cause, he shall be liable to a claim for damages;
6. to verify the performance, either himself or through his representatives, for which purpose the latter and the author shall have full access to the premises during the performance.

Article 110. — Where it has been agreed in the contract that performance of the work must be entrusted to certain specific actors or performers, they may not be replaced by others without the consent of the parties to the contract.

Article 111. — (1) Under the contract, the impresario shall be under the obligation to have the work performed in public within the agreed period or, in the absence of such agreement, not later than one year following signature of the contract, except in the case of a dramatico-musical work where the time limit shall be two years; should he fail to meet this obligation, the author shall have the right to cancel the contract and to claim compensation for damages. This provision shall not apply in the case of prohibition of the performance by the authorities, or other circumstances beyond the impresario's control.

(2) Furthermore, the impresario shall be under the obligation to carry out the rehearsals necessary to ensure that the work is performed in adequate technical conditions and, in general, to take all measures customary in such circumstances to ensure the success of the performance.

Article 112. — The impresario shall be under the obligation to ensure that the work is performed according to the text furnished to him by the author and may not make any deletions, substitutions or additions therein without the author's express consent. This provision shall not apply where deletions are required by the authorities; in such case the impresario may require the author to make the necessary amendments.

Article 113. — In the case of a work that has not yet been performed or reproduced in any mode or form, the impresario shall ensure that it is not disclosed prior to the first performance, without prejudice to its being communicated to the authorities as required by law.

Article 114. — The impresario shall be required to indicate, clearly and visibly, in the programmes, posters and other publicity media the name, pseudonym or other indication of identity adopted by the author.

Article 115. — (1) The authorization of the impresario and the consent of the author of the work shall be required, expressly and in writing, for any broadcasting of performance of the work by radio, television or any similar process.

(2) The same principle shall apply to the filming of the performance, or phonographic recording thereof, in whole or in part.

Article 116. — The impresario may not assign or transfer to a third party the rights deriving from the performance contract.

Article 117. — The performance contract may be cancelled in the cases mentioned above and also in the following cases:

(a) at the author's request, in the event of the impresario's death, bankruptcy or judicial disability on grounds of mental incapacity or extravagance;

(b) at the impresario's request:

1. in the event of insistent and unequivocal demonstrations of dissatisfaction on the part of the public;
2. in the event that the performance is suspended or prohibited by the authorities;
3. where the work to which the contract refers is incomplete or not commenced, in the event of the author's death or of his physical or mental disability such as would prevent completion of the work or would cause undue delay in its transmission.

Article 118. — Unless otherwise agreed between the impresario and the author, an author who has entered into a contract for the performance of a manuscript work, or one written in any other form but which has not yet been disclosed because of the fact that there is only one copy or only a very small number of copies, may publish it in printed form or have it reproduced by any other graphic process.

Section II

Recitation and musical performance

Article 119. — (1) For the purposes of this Law, the recitation of a literary work and the performance by musical instruments or by musical instruments and singers of a musical or literary-musical work shall be considered a performance as defined in Article 102, and any contract entered into for the recitation or performance of such works shall be subject to the rules set forth in the Articles of the preceding Section, except where excluded by virtue of the nature of the work and of the performance in question, and likewise to the following rules.

(2) "Recitation" means the declamation, delivery or expressive reading in public of a literary work by a single person.

Article 120. — (1) Any person who promotes or organizes the performance or recitation in public of literary, musical or literary-musical works must display the respective programme on the premises beforehand; in addition to the designation of the works, the programme must indicate the names of their authors.

(2) One copy of the programme must be furnished to the organization or organizations representing the authors or to the agents of such organizations, if there are any in the locality.

Article 121. — (1) Where the person organizing the performance or recitation draws up a fraudulent programme, in particular by including works that he does not intend to have performed or recited and replacing them by other works not announced in the programme, or where in the course of the performance — for reasons other than fortuitous or beyond his control — the works included in the programme are not performed or recited, the authors suffering moral or material damage thereby may claim compensation from the organizer in respect of such damage, without prejudice to any criminal responsibility that may be involved.

(2) The responsibility of the organizers shall not be involved where, at the insistent request of the audience, the performers recite or perform some works in addition to those mentioned in the programme. The organizers of the performance cannot be required to pay the corresponding copyright fee in respect of the performance or recitation of works in the above-mentioned circumstances.

(3) For the purposes of the verification referred to in Article 109 (6), the parties concerned may request the intervention of any authority, in particular the Entertainments Inspectorate.

CHAPTER IV

Use of Cinematographic Works

Article 122. — (1) The cinematographic production, with or without sound-track, of any intellectual work created for the cinema shall always depend on authorization specifically granted by the author or authors or by their heirs, whether sole or individual. Such authorization must be granted in writing and shall entitle the person to whom it is granted to produce the negative of the production and the corresponding positives or copies in the conditions agreed.

(2) In the case of a work not created for this form of expression, its adaptation for the cinema shall likewise depend on written authorization to be granted by the author of the original work.

(3) Unless expressly stipulated otherwise, authorization for cinematographic production shall imply authorization for projection of the film by means of projection apparatus and for its economic use by such means.

(4) The person holding the authorization for projection may distribute the film, subject to the consent of the author or authors.

Article 123. — The document comprising the authorizations referred to in the preceding Article must stipulate the conditions attaching to the right to produce, distribute or project the film. The provisions relating to publishing contracts shall likewise apply to any contract authorizing film production, except where such provisions are inapplicable by virtue of the special nature of this form of use of the work or by virtue of the special procedures referred to in this Chapter.

Article 124. — (1) Any authorization given by the author or authors for the cinematographic production of the work, whether the work has been specially created for this form of expression or simply adapted, shall not include the granting of exclusive rights to the recipient party, unless expressly stipulated otherwise.

(2) In the absence of any specific clause to the contrary, the exclusive rights for cinematographic production shall lapse seven years after signature of the contract, without prejudice, however, to the right of the party to which the economic use of the film is granted to continue to project it.

Article 125. — Where the author or authors have authorized the projection of the cinematographic work, the rights of economic use of the work shall be exercised by the maker; the maker shall be considered to be the person or entity who undertakes and organizes production of the work and is responsible for the undertaking as a whole, whether from the technical or from the financial point of view. The name of the maker must be indicated as such on the film.

Article 126. — During the period of use provided for in the contract, and unless the author or authors ensure the protection of their rights in the cinematographic work in some other way, the maker shall consider himself to be their representative for that purpose, and shall inform them of the manner in which he has carried out his responsibilities.

Article 127. — (1) The maker shall be at liberty to introduce into the works used in the production of the film any modifications necessary on account of technical requirements, provided such modifications do not affect the essential character of the work.

(2) Where one or more of the authors designated in Article 17 do not agree with the maker in regard to the need for modifications or to the actual modifications proposed by him, the question shall be settled by three experts, one of whom shall be appointed by the author or authors requested to provide the modification, one by the maker, and the third by the judge in office in the place where the maker has his headquarters.

Article 128. — (1) Translations, transformations and dubbings in a language other than that of the cinematographic work shall likewise be subject to written authorization from the author or authors of the work; the maker may not project them unless specifically authorized to do so.

(2) The consent of the author or authors of the cinematographic work shall also be required for any sound or visual broadcasting of the film, the respective film-trailer or any tapes or records reproducing excerpts from the film.

Article 129. — Unless expressly agreed otherwise, any maker who enters into a contract with the author or authors of a work shall have the right to associate himself with another maker in order to ensure the execution or use of the work. He may likewise at any time transfer to a third party the rights deriving from the contract, but shall nevertheless remain responsible to the authors for the proper fulfilment of the said contract.

Article 130. — The authors of a cinematographic work shall have the right to require that their names be indicated in the projection of the film, with an indication of the contribution made to the work by each of them.

Article 131. — Where the cinematographic work is an adaptation of a work already in existence, the title of the latter must be mentioned together with the name, pseudonym or other sign of identification of the author.

Article 132. — The authors of the literary component and of the musical component of a cinematographic work may reproduce those components and use them separately by any means, provided such separate use does not impair the use of the work as a whole.

Article 133. — Where the maker fails to complete making the cinematographic work within three years of the date on which the literary and the musical components were handed over, or where he fails to have the completed film projected within three years of its completion, the authors of the components in question shall have the right freely to dispose of them.

Article 134. — The maker shall be obliged to make copies or prints of the cinematographic work only as and when requested to do so by distributors or cinema exhibitors.

Article 135. — Unless expressly agreed otherwise, the maker of the film shall not be entitled to sell at clearance prices or to destroy the copies produced on the grounds that there is no demand therefor.

Article 136. — The provisions of this Chapter shall be applicable to works made by any process analogous to cinematography.

CHAPTER V

Fixing or Recording on Phonograms; Reproduction by Mechanical and other Means

Article 137. — (1) Any fixing or recording of an intellectual work for use with any apparatus designed for the mechanical, electrical, or chemical reproduction thereof, or for its reproduction by any other process, shall be subject to special authorization by the author or his heirs, whether sole or individual.

(2) Such authorization must be given in writing and shall entitle only the party to whom it is granted to fix or record the work and to sell the copies produced; unless expressly stipulated otherwise, it shall not include the right to perform in public, to broadcast or to communicate in any form whatsoever the fixed or recorded work.

(3) The authorization for the fixed or recorded work to be publicly performed, broadcast or communicated in any way must also be given in writing and may be granted to a person other than the person having made the fixation or recording.

Article 138. — (1) For the purposes of this Law, the material object on which the literary, scientific or musical work has been fixed or recorded and which serves as the vehicle for its sound communication shall be termed a phonogram, and the act of fixing or recording with a view to such communication shall be referred to as phonographic recording.

(2) In particular, phonograms shall include gramophone rolls and records, the matrices thereof, metallic blades, plates, magnetic tapes and wire, and likewise rolls of music-boxes and player-pianos.

(3) Whenever their nature so permits, phonograms shall bear, either printed directly or affixed by labels, the name of the work or the means for identifying it, together with the name or other sign of identification of the author.

Article 139. — The contract authorizing phonographic recording shall be subject to the provisions of this Law with respect to the publishing contract except where these are rendered inapplicable by virtue of the different nature of the form of reproduction of the work or by the provision of the Articles hereunder.

Article 140. — Unless expressly agreed otherwise, the contract authorizing phonographic recording shall not confer on the person authorized the exclusive right to manufacture and sell the phonogram of the work.

Article 141. — The entity authorized by contract to produce the phonographic recording may not, without the author's consent, assign to a third party the rights deriving from the authorizing contract or transfer the matrix of the recording, except in the case of the transfer of his business.

Article 142. — The producer of the phonogram may not, even on grounds of technical requirements, make any alteration in the work to be recorded that would impair or affect its nature or affect the moral rights of the author in any way.

Article 143. — The purchase in the market of a copy of the phonogram shall not entitle the purchaser to use the work for any purpose of communication to the public.

Article 144. — Any phonograms produced in breach of the provisions of this Chapter, or brought into Portuguese territory after having been produced in breach of the legal provisions in force in the country in which the recording took place, may be seized at the request of interested parties.

Article 145. — Authorization by the author of the work, to be given in writing, shall also be required for the adaptation, arrangement or transformation of any work with a view to the recording, transmission or performance of such work by

mechanical or phonographic media. The authorization must explicitly state the purpose for which it is granted, and permission for the public performance of the work by any mechanical or phonographic process may not be inferred from another permission.

Article 146. — The provisions of this Chapter shall apply to the reproduction of intellectual works by any process analogous to phonographic recording that might at any time be invented.

CHAPTER VI

Photographic Works

Article 147. — (1) For a photograph to be eligible for protection as an intellectual work, under the terms of this Law, it must be possible to regard it as being a personal artistic creation by its author, either because of the choice of subject or because of the conditions in which it was created.

(2) For the purposes of this Law, "photograph" shall mean an image, whether of persons or of aspects of nature, panoramic views or events occurring in everyday life, obtained by any photographic or analogous process, and including, in particular, any reproduction of figurative works of art and reproductions of cinematograph films.

(3) The provisions of this Chapter shall not apply to photographs of writings, documents, commercial papers, technical drawings and the like.

Article 148. — (1) The author of a photographic work shall enjoy the exclusive right to reproduce or disclose it or to offer it for sale with restrictions regarding the exhibition, reproduction and sale of portraits, and without prejudice to the author's rights in the work reproduced in the case of photographs of figurative works of art.

(2) Where the photograph has been made pursuant to an employment, the right referred to in this Article shall belong to the employer. Unless expressly agreed otherwise, this principle shall apply, in the case of commissioned photographs, to the person who gave the order where the photograph portrays articles in his possession. Any person making commercial use of the reproduction shall be required to pay an equitable remuneration to the photographer.

Article 149. — Unless otherwise agreed, transfer of the negative, or an analogous means of reproduction, of the photograph shall also include transfer of the rights of the assigning party that are referred to in the preceding Articles.

Article 150. — (1) The copies of the photographic work must bear the following indications:

(a) the name of the photographer or, in the cases provided for in Article 148 (2) of the employer or the person who gave the order;

(b) the year in which the photograph was taken;

(c) in the case of a photograph of a figurative work of art, the name of the author of the work photographed.

(2) Action may be taken to repress abusive use only in the case of unlawful reproduction of photographs bearing the above-mentioned indications. Where those indications are not given, the author may not claim the compensation provided for in this Law, unless the photographer can show evidence of bad faith on the part of the person who made the reproduction.

Article 151. — (1) Subject to the payment of equitable remuneration to the author, the reproduction of photographs in scientific or educational works shall be permitted.

(2) Any such reproduction, under the terms of this Article, must always include an indication of the name of the photographer and the year of production, if such indications appear on the original.

(3) Subject to the payment of equitable remuneration to the author, the reproduction of photographs published in newspapers or other similar publications shall also be permitted, where the photographs relate to persons or events of topical interest or where they are of general interest on any account.

Article 152. — Pictures of works of architecture or of other plastic art that have already been disclosed by the author may be freely reproduced and published by the press, cinema, television or any other medium.

Article 153. — The exhibition or dissemination in any mode or form of a photograph or cinematograph film of a surgical operation shall be subject to the authorization of both the surgeon and the person undergoing the operation.

Article 154. — (1) Unless expressly agreed otherwise, any photograph of a person who commissioned it may be published, reproduced or ordered to be reproduced by the person photographed, or by his heirs or representatives, without the consent of the photographer who took the photograph.

(2) Where the photographer's name appears on the original photograph, it must also be indicated on any reproductions thereof.

CHAPTER VII

Broadcasting and other Processes for the Reproduction of Signs, Sounds and Images

Article 155. — (1) Any sound or visual broadcasting, whether direct or by retransmission, of an intellectual work by any process shall be subject to special authorization by the author or his heirs, whether sole or individual.

(2) Special authorization by the author or his heirs shall also be required for the communication of an intellectual work in any public place by means of apparatus of any kind for the diffusion of signs, sounds or images.

Article 156. — The proprietors of theatres or entertainment halls or of the building in which the broadcast or communication provided for in the preceding Article is to take place, the impresarios, and all persons contributing to the performance that is to be transmitted, shall be required to permit the installation of whatever apparatus is necessary for the transmission, and likewise to permit the technical experiments and tests necessary for its proper execution.

Article 157. — (1) Unless expressly stipulated otherwise, the authorization provided for in Article 155 shall not imply authorization to record broadcast works by means of apparatus for the fixing of signs, sounds or images.

(2) Broadcasting organizations shall nevertheless be permitted to record, on discs or in another similar manner, the works to be broadcast, but solely for use by their transmitting stations in cases where the broadcast is deferred because of timing or technical requirements.

(3) Such recordings must, however, be destroyed after use or be made unfit for further transmission, provided that State-owned broadcasting organizations may retain such recordings in the official archives, if they are of special interest as historical documents.

Article 158. — The authorization to broadcast a work shall be valid for all broadcasts made by the station of the entity to which it is granted.

Article 159. — In programmes of a cultural nature, all transmitting stations must announce, before the broadcast, the name, pseudonym or other form of identification of the author, together with the title or indication of identification of the work to be broadcast. An exception shall be granted in certain recognized cases of constant use where these indications need not be given in view of the circumstances and the requirements of transmission.

Article 160. — (1) Unless expressly agreed otherwise, the author of the work broadcast shall be entitled to receive remuneration, the latter to be established in the authorization contract. In the absence of any such stipulation, and in the event that the parties fail to agree on the amount thereof, the remuneration shall be determined by the judicial authority which, in making the evaluation, shall always take account of the number of broadcasts.

(2) Remuneration shall also be due to the author in respect of the public performance of the broadcast work by means of radio-receiving apparatus equipped with loudspeakers or by means of television receiving apparatus, and likewise in respect of the public performance of works communicated by means of any other instrument for diffusing signs, sounds and images.

(3) Where the parties fail to agree thereon, the amount of the remuneration shall be determined by the judicial authority, after consultation with the authors' representative, if any, and the employers' association of which the entity organizing the performance is a member.

Article 161. — Subject to authorization by the Minister of National Education or, by delegation, the National Secretary for Information, Popular Culture and Tourism, the official broadcasting services may make special broadcasts in the national interest without the authors' authorization. The author of the work so transmitted shall, however, be entitled to receive equitable remuneration.

Article 162. — With respect to all matters not specially provided for in this Chapter, sound or visual broadcasting and likewise the diffusion by any other process for the reproduction of signs, sounds and images shall be subject to the provisions relating to the performance and publication of intellectual works and those relating to the publishing contract, unless these are rendered inapplicable by virtue of the special nature of this form of use of intellectual works.

CHAPTER VIII

Translation, Arrangement and other Transformations of Intellectual Works

Article 163. — The translation, transposition, arrangement, instrumentation, dramatization, adaptation and, in general, the transformation by any means of an intellectual work may be carried out only by the author of the work or by a person so authorized by him. Such authorization must be given in writing and, unless expressly agreed otherwise, shall not imply any transfer of exclusive rights.

Article 164. — (1) Where, within seven years of the publication of a work written in a foreign language, the holder of the right of translation, or any person authorized by him, has not published the work in Portuguese, any other person may apply to the court for non-exclusive licence to translate and publish the work.

(2) Such licence may be granted only where the applicant shows proof that he has sought permission, from the holder of the right of translation, to translate and publish the translation and that, after having taken the appropriate steps, he has not been able to establish contact with the holder of the right of translation or to obtain permission from him.

(3) In these same conditions, licence may also be granted where previous editions of a translation already published in Portuguese have been exhausted.

(4) Where the applicant has been unable to establish contact with the holder of the right of translation, he must send copies of his application to the publisher whose name is indicated on the work and to the diplomatic or consular representative of the State of which the holder of the right of translation is a national — in the event that the nationality of the holder of the right of translation is known — or to any organization designated for such purpose by the Government of that State. Licence may not be granted until two months after the date on which the copies of the application were turned in.

(5) The title and the name of the author of the original work must be printed on all copies of the published translation.

(6) Licences obtained in a foreign country shall not be deemed valid; however, copies of translations obtained in this manner may be imported and sold.

(7) Translation licences, as referred to in this Article, shall not be transferable.

(8) Where the author has withdrawn the copies of the work from circulation, licence may not be granted.

Article 165. — (1) The procedure referred to in the preceding Article shall, in so far as compatible, follow the provisions of Articles 1425 to 1427 of the Code of Civil Procedure.

(2) The action must be brought before the court of the author's place of domicile.

(3) A writ must always be served on the defendant.

(4) Where the judge considers that the action is well founded, he shall immediately award equitable compensation to the defendant, in accordance with international standards. The authorization may not be transferred until such time as the author has shown proof that he has made the payment or, in the event that it has not been possible to establish contact with the holder of the right, that he has guaranteed the payment in question.

(5) An appeal may be entered against the decision with the Court of Appeals, whose decision shall be final; such appeal shall cause a stay of execution.

Article 166. — Protection shall be granted for translations, arrangements, instrumentations, stage productions, adaptations, summaries, compilations and any other versions or transformations of intellectual works, including photographic and cinematographic adaptations, under the terms of this Law, without prejudice to the author's rights in the original work.

Article 167. — Where the publisher duly authorized to translate a work enters into a contract with a third party for the translation to be made against payment of a specific amount, it shall be understood, unless expressly agreed otherwise, that the translator has assigned to the publisher his rights in the translation.

Article 168. — The authorization provided for in Article 163 may be revoked, by means of judicial notice, if the work has been modified, distorted or reproduced in a way that is prejudicial to its reputation, or if the limits of the authorization granted have been exceeded.

CHAPTER IX

Use of Works of the Plastic, Graphic and Applied Arts

Section I

Exhibition

Article 169. — (1) Only the author may exhibit or authorize a third party to exhibit publicly his works of art.

(2) Any transfer of ownership, by the author, of a work of art created by him shall, unless expressly agreed otherwise, imply transfer of the right to exhibit it.

Article 170. — The organizers of exhibitions of works of art shall be responsible for the safeguard of the works exhibited and shall be required to insure them against fire, theft and other risks of destruction or deterioration, and likewise to keep them within the exhibition premises throughout the exhibition and to return them upon its termination.

Article 171. — The State shall have the pre-emptive right to acquire exhibited works in the event of their sale.

Section II

Reproduction

Article 172. — (1) Any reproduction of creations of the plastic, graphic and applied arts may be made solely by the author or by a person so authorized by him. Such authorization must be given in writing, shall not be presumed to be free of charge and may be subject to conditions.

(2) Where the remuneration provided for in the reproduction contract consists of payment to the author of an amount proportional to the selling price of the copies made or comprises, in addition to other elements, a fee of this kind, it shall be compulsory for the minimum selling price of the reproductions to be specified in the text of the contract.

Article 173. — Each reproduction of the work must bear the name, pseudonym or other indication of the author's identity, if he so requires.

Article 174. — The contract must always contain in its text, or as an element belonging to it, indications permitting the work to be identified, for example a summary description, sketch, drawing or photograph, together with the date and the author's signature. The reproductions may not be offered for sale unless the author has approved the copy submitted to him.

Article 175. — The provisions of Article 90 shall be applicable to the contract referred to in this Section, provided that the contract must specify a minimum number of copies to be sold annually, failing which the person holding the right of reproduction may have recourse to the procedures provided for in that Article.

Article 176. — Upon the expiry of the contract, the models and other elements used as a basis for the reproductions must be returned to the author. Any instruments specially created for the reproduction of the work must, unless agreed otherwise, be destroyed or not utilized, in the event that the author of the work reproduced does not prefer to acquire them.

Section III

Protection of works of applied art

Article 177. — The protection of works created primarily for industrial purposes shall not extend to the industrial utilization of scientific theories.

TITLE III

Special Provisions

CHAPTER I

Newspapers and Periodicals

Article 178. — (1) With respect to serials, short stories and all other literary, artistic or scientific works, whatever their subject or for whatever purpose they are intended, published even unsigned in newspapers or periodicals, the copyright shall belong to the respective authors; they alone, or a third party to whom they have granted permission, may reproduce such works separately, unless expressly agreed otherwise in writing.

(2) The proprietors or publishers of the periodicals or compilations referred to in this Article may, however, reproduce copies of the collective work or the work of joint authorship in which the above-mentioned contributions were published.

(3) The works referred to in paragraph (1) above may not be reproduced in any similar publication. However, articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved; but the source must always be clearly indicated, together with the name of the author if the article is signed.

(4) Any person infringing the provisions of the foregoing paragraphs shall be liable to the penalties prescribed in this Law, without prejudice to the payment of any damages involved.

Article 179. — (1) Copyright in works produced pursuant to an employment contract shall belong to the authors, if the works are signed. However, unless so authorized by the proprietor of the newspaper or periodical concerned, the authors may not publish them separately until three months have elapsed following the date on which the publication containing the works was actually put into circulation. In the case of works constituting a series, this period shall commence as from the date of the effective distribution of the issue of the publication in which the last work of the series appeared.

(2) Where the works mentioned in this Article are unsigned, copyright in them shall be attributed to the proprietor of the newspaper or periodical in which they were inserted, and only that proprietor may give permission to the authors to publish their articles separately.

Article 180. — News of the day or miscellaneous information having the character of mere items of news, where published in newspapers or similar periodicals, may be freely reproduced.

CHAPTER II

Unrestricted Use

Article 181. — Speeches and other pronouncements made in public may be freely reproduced by information agencies, provided the author's name is indicated together with the date and place of delivery.

Article 182. — The provisions of the preceding Article shall apply also to lectures made in a forum to which representatives of information agencies were admitted, except in the case of express reservation by the author. In such case, only a reproduction of extracts shall be permitted.

Article 183. — (1) Dissertations by professors may be published by a third party only with the authors' permission, even where they are in the form of a summary prepared under the personal responsibility of the person publishing them or where they are the result of a verbatim transcript.

(2) Where such texts are not intended for use by students, special authorization for such use shall be required.

(3) The provisions of Article 3 of this Law shall be applicable to the reproduction of dissertations pursuant to this Article.

Article 184. — The performance of national anthems or officially adopted patriotic songs, works of a religious character during liturgical rites or services, and likewise works included in educational or scientific books or curricula, where such performance forms an integral part of educational practice, shall not be subject to authorization by the authors, who shall not be entitled to any remuneration in respect of such performance.

Article 185. — (1) The authors of any written work shall have the right to reproduce or summarize in their own works excerpts from the written works of another author, in order to sustain their own contentions or for purposes of criticism, discussion or instruction, provided that such excepts are distinguished from the body of the text, with an indication of the work from which the excerpts have been taken and the name of the author concerned. On the other hand, such excerpts or summaries may not be so lengthy that they detract from the interest of the work cited.

(2) It shall be permissible to reproduce, in anthologies for use in schools, excerpts or quotations from literary or musical works by another author, in accordance with the terms and limitations referred to in the preceding paragraph. Where the reproduction goes beyond those limits, the author shall be entitled to equitable remuneration.

Article 186. — It shall not be permissible to reproduce a work by another author without his consent under the pretext of commenting on or annotating it. On the other hand, it shall be permitted to publish separate commentaries or annotations, with simple references to the chapters, paragraphs or pages of the work concerned.

Article 187. — Any author who reproduces, in books or pamphlets, his articles or letters that have been published in newspapers or periodicals, in a controversy with another person, may also reproduce the adverse party's replies; the latter may do likewise, even after the publication made by the other party.

Article 188. — The provisions in force with respect to letters missive shall be applicable to those which constitute a protected intellectual work, even where such work has already fallen into the public domain. Those provisions shall not, however, apply to official correspondence or to epistolary correspondence of historcial personages or persons of high scientific or literary repute, where such correspondence is not of an absolutely confidential character but, on the contrary, is of interest for the clarification of historical or biographical facts or is of particular value from the literary or artistic point of view.

TITLE IV

Registration

Article 189. — (1) Registration of the following shall be required:

(a) all deeds providing for the total or partial transfer of copyright;

(b) deeds for the constitution of a surety, within the meaning of Article 48;

(c) seizure and attachment of copyright.

(2) The absence of registration of deeds required to be registered sball not make such instruments inoperative between the parties or their heirs and representatives, but with respect to third parties. They shall become operative with respect to tbe latter only with effect from the date of registration.

(3) The existing rules regarding registration shall remain in force where they do not conflict with the provisions of this Law.

TITLE V

Infringement and Protection of Copyright

CHAPTER I

Protection of Economic Rights

Section I

Penal sanctions and compensation for damages

Article 190. — Any person who, without being duly authorized by the author concerned, utilizes or makes use of, in any of tbe modes or forms cited in this Law, a work created by any other person shall be liable to the penalties provided and shall, in addition, be held responsible under civil law for any damage he may have caused.

Article 191. — (1) The unauthorized assumption of rights referred to in the preceding Article shall be held concomitant with infringement, the latter being considered, witbin the terms of this Law, to be constituted by the fact that a person fraudulently presents as his own a work that is a total or partial copy of the work of some other person, whetber such work bas already been disclosed or not.

(2) Where the copy referred to in this Article represents only a part or fraction of tbe original work, only that part of the work shall be considered an infringing copy.

(3) In order that infringement may be held to exist, it sball not be necessary for the copy to have been made by the same process as the original work, having the same dimensions or the same format.

Article 192. — Unauthorized assumption of rights pursuant to Article 190 shall include, in particular, the fact of a person's abusively publishing a work that has not been disclosed by its author or by the holder of the respective right, even where he presents it as being the work of the true author or does not seek any pecuniary gain from its disclosure.

Article 193. — Where the person authorized to use a certain work goes beyond the limits of the authorization, the extent to which such use goes beyond the authorization granted shall be deemed to constitute unauthorized assumption of rights.

Article 194. — Tbe following shall likewise be considered to constitute unauthorized assumption of rights:

(a) transcriptions and summaries of parts of works by another person wbich extend beyond the limits established under Article 185 of this Law;

(b) any compilation or collection of poems or of prose excerpts by an author, whether already published by him or unpublished, without the necessary authorization.

Article 195. — Failure to present the author's written authorization, as required by law, shall be held to constitute *prima facie* evidence of fraud, which may, nevertheless, be refuted by all means permitted by law.

Article 196. — The following shall not be considered infringing copies:

1. any resemblance between duly authorized translations of the same work or between photographs, drawings, engravings or other form of representation of one particular object where, despite resemblances deriving from the identity of the subject, each work retains its own individuality;
2. any reproduction by photography or engraving made solely for the purpose of documenting art criticism.

Article 197. — (1) Infringing copies and the unauthorized assumption of rights, as referred to in the preceding Articles, shall be deemed to be offences against public law, and the persons committing such offences shall be liable to imprisonment for a period of not more than one year and to a fine in the corresponding amount, which amount shall be doubled in cases of repetition of the offence where the said offence does not constitute a crime punishable by a more severe penalty pursuant to the Penal Code or any other legislation.

(2) Where the abusive economic use relates to a work not intended for publication, a counterfeit work, or a work modified without the author's consent, in a manner that alters its essential character or is prejudicial to the honour or reputation of the author, the penalty shall be made more severe according to the general legal provisions.

Article 198. — The following shall be liable to the penalty provided for in the preceding Article:

(a) the reproduction of works referred to in Article 178 (1), where such reproduction is in any publication of a kind similar to that in wbich the works were first published;

(b) the reproduction by the press, in newspapers or periodicals, of articles on current economic, political or religious topics where the reproduction rights have been reserved by the authors of such articles.

Article 199. — Where an author, after having transferred wholly or in part the right concerned or after having authorized the use of his work in any of the ways provided for in this Law, uses the said work directly in a manner prejudicial to the rights granted to a third party, he shall be liable to the penalty provided for in Article 197.

Article 200. — The sanctions provided for in this Section shall be applicable to any person who sells, offers for sale, or in any other way places on the market in Portugal usurped or infringing works, knowing them to be so, regardless whether the copies concerned were produced in the country or abroad. Furthermore, any persons so doing shall be held jointly responsible with the authors of the unauthorized assumption of rights or of the infringing copies for compensation in respect of the damage caused by such offences.

Article 201. — Any claim for damages in respect of any infringement of copyright shall be independent of the criminal proceedings arising from such infringement, and shall likewise be independent of any legal application for the seizure or suspension of a performance as referred to in the preceding Section. It may, however, be dealt with jointly in the criminal action.

Section II

Special safeguards for the protection of the right infringed

Article 202. — (1) Over and above criminal and civil responsibility in respect of an infringing copy or unauthorized assumption of rights, the owner of copyright in the work concerned and, in general, any person who, in any way, has been injured by a third party in the exercise of his rights in the use or exploitation of the intellectual work, shall be entitled to apply to the courts for an injunction prohibiting the party responsible for such injury from continuing the unlawful activity or from repeating the infringement already committed.

(2) To this end, the court may take whatever measures it deems necessary in order to eliminate the *de facto* situation constituting the infringement and may order the destruction of the objects by means of which it was committed.

Article 203. — (1) Making use of the right granted to him under the preceding paragraph, the owner of the copyright may apply to the courts for seizure of the copies of the usurped or infringed work, regardless of the nature of the work or the form of infringement.

(2) In addition to seizure of the copies unlawfully reproduced or disseminated, the party concerned may request the seizure or destruction of any apparatus or instruments used in the reproduction or dissemination which, by virtue of their nature, could not be used for other lawful reproductions or dissemiuations.

Article 204. — (1) The copies of the work seized pursuant to the preceding Article shall remain the property of the applicant for the seizure order. In the case of the unauthorized publication of a literary or scientific work, the applicant shall, in addition, be entitled to claim from the person responsible for such unauthorized publication the value of the entire edition, less the value of the copies seized, based on the price at which properly published copies would have been offered for sale or on their estimated value.

(2) Where the number of copies fraudulently printed and distributed is not known, the person responsible shall be required to pay a sum equivalent to the value of a number of copies which, added to the number of copies seized, would reach a total of 1,000.

Article 205. — The authorities competent to carry out seizure shall be the civil or criminal courts, the administrative or police authorities, and the Republican National Guard on behalf of the authorities mentioned. An order of seizure must always be made, however, by the judicial authority.

Article 206. — (1) An application for seizure may be entered in any court of the place in which copies of the infringed work are held or offered for sale, and the seizure order shall be enforceable successively in all other courts where necessary, at the request of the judge granting the original seizure order.

(2) The seizure shall, however, become definitive only where, within ten days following its execution, the person against whom the seizure order was granted has failed to appeal against it or, if such an appeal was made, where it has been rejected.

Article 207. — (1) Pursuant to the right recognized in Article 202, the owner of the copyright may apply to the judicial, administrative or police authorities of the place in which the infringement of his right is found to have occurred, or alternatively the Inspectorate-General of Entertainment, for the immediate suspension of any performance, recitation or exhibition, in any other mode or form, of his intellectual work, including a cinematographic work, that is being made without due authorization.

(2) He may likewise request the seizure of the scenery, costumes and other objects belonging to the producer of the show or entertainment and which are intended for use therein, upon presenting summary proof of his right and signing a recognition of responsibility for damages.

Article 208. — At the time of applying for a suspension, the owner of the copyright may also request the judicial authority to require the author of the infringement to hand over the entire amount of the gross receipts.

Article 209. — Where the entity producing the performance has entered into a contract with an infringer of the original work, the author of the latter may furthermore request suspension and seizure as referred to in the preceding Articles, such proceedings being independent of the action brought against the infringer.

Article 210. — The suspension shall become definitive only where, within ten days following its enforcement, the entity against which it was ordered has failed to appeal against it or, if such an appeal was made, where it has been rejected.

CHAPTER II

Protection of Moral Rights

Article 211. — Any person who, being authorized to use the work of another person, makes any modifications, deletions or additions, without the author's consent, that alter the essential character of the work or would be prejudicial to the author's reputation or honour shall be liable to the penalties provided for in Article 197.

Article 212. — In general, the provisions of the preceding Chapter shall apply to any infringement of moral rights in so far as such application is feasible having regard to the special nature of the rights infringed, and further taking into account the provisions of the ensuing Articles.

Article 213. — Penal responsibility deriving from the infringement of moral rights may be made effective only upon request by the author or his heirs or representatives.

Article 214. — (1) In cases where the author lays claim to authorship of his work, the destruction provided for in Article 202 may be agreed to only if the infringement cannot be corrected by the insertion or deletion, in the work, of indications as to the author, or by any other means of publicity.

(2) Where the author defends the integrity of his work, the destruction of any copies distorted, mutilated or modified in any other way shall be agreed to only if it is not possible to restore those copies to their original form at the expense of the person responsible for their alteration.

GENERAL STUDIES

One of the accomplishments of the Intellectual Property Conference of Stockholm was the revision of Articles 1 to 20 of the Berne Convention for the Protection of Literary and Artistic Works. We thought it might be interesting to ask a copyright expert not directly concerned in the work of preparing for the Stockholm revision to voice an opinion on the new 1967 Act of the Berne Convention. Accordingly, we are publishing below an article written by Mr. Bénigne Mentha, who was the Director of the International Bureau from 1938 to 1953 and who played an active role in the Brussels revision of 1948. (Ed.)

A Glance at the Principle Substantive Clauses of the Berne Convention Adopted at Stockholm on July 14, 1967

B. M.

INTERNATIONAL ACTIVITIES

Second International Congress of the International Secretariat of Entertainment Trade Unions

(London, September 26 to 29, 1967)

The second international congress of the International Secretariat of Entertainment Trade Unions was held at the Independent Television Authority headquarters in London, from September 26 to 29, 1967. Those present included 63 representatives and observers from 37 trade unions of the following 19 countries: Argentina, Australia, Austria, Bahamas, Belgium, Canada, Finland, France, Germany (Federal Republic), India, Italy, Mexico, Netherlands, Peru, Sweden, Switzerland, Turkey, United Kingdom, USA. New affiliations were made at the time of the Congress, thus bringing the total of member unions to 41.

Invited in the capacity of observers, the International Labour Office was represented by Mr. A. Ghatak, BIRPI by Mr. M. Stojanović, Legal Assistant in the Copyright Division, the European Economic Community by Mr. R. Jarrett, the International Confederation of Free Trade Unions by Mr. M. Paladino, and the International Labour Film Institute by Mr. H. Patteet.

The opening meeting, presided over by Mr. T. L. Littlewood, was held in the presence of Mr. Roy Hattersly, Parliamentary Secretary to the Minister of Labour in the British Government, who greeted the Congress. Speakers at the opening meeting were also the observers of certain international organizations.

Apart from administrative and financial questions, the agenda included, in particular, the following items: survey of technical advances taking shape in the entertainment industry and their possible effects on employment; dangers arising from the concentration of entertainment media in a few large countries; the contribution of coproductions towards stabilizing national film industries; duties of public authorities in supporting music and the theatre. Reports on these subjects were made in plenary session.

A detailed report was submitted by the Secretariat on its activities in the period between the two congresses. One chapter of the report was devoted to copyright and performers' rights. Additional information on the results of the Stockholm Conference was supplied by the BIRPI representative.

The work of the Congress took place in five special groups: 1 (cinema and film production personnel), 2 (television and radio staff), 3 (artists and actors), 4 (musicians) and 5 (theatre personnel and miscellaneous).

After the discussions in the five groups and in plenary session, it was decided to convene, in connection with the 1968 Executive Board meeting, a seminar on copyright and performers' rights. A recommendation to this effect was unanimously endorsed by the professional groups of musicians and of artists and actors; the latter called for at least two separate working parties at the seminar, of which one would study copyright and the other performers' rights.

The Congress adopted the recommendation by the cinema and film personnel group and by the television and radio staff group, according to which the Secretariat is instructed to institute an enquiry into the reservation of " residual rights " for all who contribute in any capacity to radio, television and motion picture productions which are re-used afterwards by any other means.

Furthermore, the Congress decided to establish a permanent committee of the Executive Board on technical advance in the entertainment industry; the committee will study not only the effects on employment of present-day technical progress, but also all possible information about the timing, scope and effects of future developments.

The Congress also adopted a resolution appealing to the International Labour Organization to convene a tripartite expert meeting dealing with problems of various categories of persons employed in the entertainment industry on a worldwide scale.

A special importance was attached to work on behalf of young entertainment unions in the developing countries. The cinema and film production personnel group made a recommendation, subsequently adopted by the Congress, that conditions in Asia should be carefully studied and a report made to the Executive Board and to affiliates.

On another recommendation of the same group, the Congress instructed the Secretariat to investigate various aspects of automation in cinemas.

At the end of the session, the Congress elected its Executive Board. Mr. T. L. Littlewood was unanimously re-elected as President. The Executive Subcommittee was also unanimously re-elected as follows: Mr. J. Jenger (France), Mr. H. Kenin (USA), Mr. R. Walsh (USA), Mr. T. L. Littlewood (United Kingdom, *ex officio*) and Mr. A. Forrest, Director *(ex officio)*.

Seventh Congress of the International Federation of Actors (IFA)

(Prague, October 2 to 8, 1967)

The International Federation of Actors (IFA) held its 7th Congress at Prague, in the Educational and Cultural Club, from October 2 to 8, 1967.

The opening ceremony of the Congress took place in the presence of Mr. Brusek, Deputy Minister of Culture and Information, as well as of other distinguished Czechoslovak personalities and the press. Twenty-three actors' unions were represented by 36 delegates from the following 19 countries: Australia, Austria, Belgium, Canada, Czechoslovakia, Denmark, Finland, France, Ireland, Italy, Mexico, Monaco, Netherlands, Norway, Poland, Sweden, Switzerland, United Kingdom, Yugoslavia; furthermore, 9 actors' unions were represented by observers.

Several international organizations had also sent their observers. The International Labour Office was represented by Mr. Harold A. Dunning, Unesco by Miss Marie-Claude Dock, and BIRPI by Mr. Mihailo Stojanović, Legal Assistant in the Copyright Division.

The agenda included several items relating to the professional activity and the rights and interests of actors, such as: performers' rights and copyright, living theatre, records and other phonograms, television, sound broadcasting, film, IFA relations with other international organizations, etc.

The report on the Stockholm revision of the Berne Convention and on its effects on performers, as well as a brief account of the content and the developments of the Rome Convention, gave rise to a lively discussion at the end of which the Congress adopted a resolution, the text of which is reproduced below.

Within the item of the agenda relating to performers' rights, several delegates supplied the Congress with summarized information on the position of the respective legislations in their countries.

The Congress also adopted several resolutions on various questions on its agenda, some of which are also reproduced in the appendix.

At the end of the Congress, the representatives of the Hungarian Federation informed the Congress of their decision to affiliate to the IFA. Similar messages were received from Japanese and Turkish Unions.

Furthermore, the Congress elected its Executive Committee for the period 1967-1970. With Mr. Fernand Gravey (President 1958-1964), already elected, were elected Honorary Presidents: Mr. Jean Darcante (President 1952-1957) and Mr. Rodolfo Landa (President 1964-1967). Mr. Vlastimil Fišar (Czechoslovakia) was elected President, and Messrs. Gerald Croasdell (United Kingdom), Rolf Rembe (Sweden) and Jaime Fernandez (Mexico) were elected Vice-Presidents. The representatives of the following countries were also elected members of the Executive Committee: Austria, Canada, France, Netherlands, Poland. Mr. Pierre Chesnais (France) was re-elected Secretary General of the IFA.

1. Resolution on Performers' Rights and Copyright

The 7th Congress of the IFA requests the Executive Committee to prepare and distribute, in collaboration with the FFF and the IWG, a commentary on the results of the Stockholm Conference.

This commentary should draw attention to all the dangers created by the revision of the Berne Convention to the rights of authors and, consequently, to the rights of actors in order to make it possible for the affiliated organisations to make use of such information as may be most appropriate to their national situations.

The 7th Congress of the IFA requests the Executive Committee to prepare for the future revision of the Rome Convention and to remind the affiliated unions of resolutions previously passed concerning the ratification of the Rome Convention by their respective countries and the promulgation or the improvement of national legislation on the protection of performers. The Congress stresses the importance of setting up legal services and of collaboration in all these matters with other organisations of actors and writers.

2. Resolution on Television

The 7th Congress of the IFA

1. reaffirms the validity of the principles and recommendations contained in
   (a) Resolution 6 k) of the 6th Congress held in Mexico in 1964;
   (b) the Recommendations of the Conference on Actors and International Television held in Stockholm in May 1966; and
   (c) the Resolutions and Comments of the Executive Committee of the IFA on *b)* above;
2. and declares that these should form the basis of the policy of all performers' trade unions in relation to the mechanical media.
3. The Congress further draws attention to the importance in television of professional broadcasters, directors and choreographers; where these are unorganised, it recommends the affiliated unions to try to recruit them and to obtain collective agreements in accordance with the principles referred to above; where they are already organised in other trade unions, it recommends cooperation with such unions, to the same end.
4. The same policy should be applied to staff employees who are performers, professional broadcasters, directors or choreographers.
5. The Congress also asks the Executive Committee now to initiate an international study of the possibilities of creating an international minimum fee for satellite transmissions receivable directly by T. V. sets and to investigate the practicability of establishing an international monitoring system.
6. The Congress further asks the Executive Committee to examine international anti-dumping legislation and to advise affiliated unions how such legislation could usefully be applied to the importation of T. V. programmes, films and commercials.

3. Resolution on the Information Centre

The 7th Congress of the IFA recommends

1. that the Executive Committee takes immediate steps, in closest possible cooperation with the International Federation of Musicians, the International Federation of Variety Artistes and the International Writers' Guild, to create an Information Centre;
2. that the Information Centre should undertake
   (a) to collect, examine, translate and distribute information on collective agreements, legislation, etc. related to the artistic and economic conditions of performers and writers;
   (b) to pay attention in particular to the economic conditions (including supplementary fees) in the international television market;
3. that the Information Centre should operate as a financial autonomous body under the direction of the Executive Committee of the IFA and authorised to seek finance from other interested parties.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
1968				
March 25 to 29 Geneva	Working Group — Patent Cooperation Treaty (PCT)	Questions concerning Searching, etc.	To he announced later	To he announced later
May 27 to 29 Geneva	Committee of Experts	Classification of Figurative Elements of Marks	All Memher States of the Paris Union	To be announced later
June 17 to 21 Geneva	Working Group — Patent Cooperation Treaty (PCT)	Questions concerning formalities, etc.	To he announced later	To he announced later
September 24 to 27 Geneva	Interunion Coordination Committee (6th Session)	Program and Budget of BIRPI	To be announced later	To he announced later
Septemher 24 to 27 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (4th Session)	Program and Budget (Paris Union) for 1969	To he announced later	To he announced later
Octoher 2 to 8 Locarno	Diplomatic Conference	Adoption of a Special Agreement concerning the International Classification of Industrial Designs	All Memher States of the Paris Union	To he announced later
Novemher 4 to 12 Geneva	Committee of Experts — Patent Cooperation Treaty (PCT)	New Draft Treaty	To he announced later	To he announced later

Meetings of Other International Organizations Concerned with Intellectual Property

Place	Date	Organization	Title
1968			
Strashourg	January 8 to 12	Council of Europe	Working Party of the Committee of Experts on Patents
Buenos Aires	April 15 to 19	International Association for the Protection of Industrial Property (IAPIP)	Presidents' Conference
Mnnich	April 22 to 26	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	Advisory Board for Cooperative Systems — Standing Committees I and II
Strasbourg	May 13 to 17	Council of Europe	Working Party of the Committee of Experts on Patents
Amsterdam	June 9 to 15	International Puhlishers Association (IPA)	Congress
Vienna	June 24 to 29	International Confederation of Societies of Authors and Composers (CISAC)	Congress
Tokyo	October 21 to November 1	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	8th Annual Meeting
Lima	December 2 to 6	Inter-American Association of Industrial Property (ASIPI)	Congress